

Montana Coalition for Stream Access

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EXHIBIT 5
DATE 3-8-11
HB 309

ALL MEMBERS OF SENATE AG. COMMITTEE

March 8, 2011

Chairman Don Steinbeisser,

Our groups concur whole heartedly with Bob Lanes' factual testimony on H.B. 309. The proponents should prove "where the problems are," and the "litigation against landowners" by people trying to fish "Ditches". Also our attorney Jim Goetz's letter of March 2nd, 2011 explains the many weaknesses in the Bill.

The facts are, when water is diverted away from the river and into a ditch - both are private property. They are subject to one of the many trespass laws that are already in the books.

Every Montana water recreationist, young, and old will be punished if H.B. 309 becomes law. This bill legalizes and encourages irrigation structures on our smaller streams and rivers as well as on side channels of the larger rivers.

There already have been attempts to stop fishermen on O'Dell Creek near Ennis, Sheep Creek by Dell, and the Ruby River above Twin Bridges by wealthy (immigrant) landowners. H.B. 309 opens the door for them "to finish the job."

H.B. 309 is a "Get Even" bill because of the ruling by the Montana Supreme Court in the Mitchell Slough Case. The proponents "hired guns" are not giving this committee the true facts. Instead they are bringing up the Galt Case, which was over, twenty one years ago and had nothing to do with ditches or perceived problems by people fishing ditches.

"Ditches" are not good fish habitat because they are dry a good part of the year and many of the largest ditches have fish barriers on them. Anglers in their right minds would not fish a ditch as compared to the main river channels.

We urge this committee to table H.B. 309 forever.
This isn't the legacy that we want to leave our children and grandchildren.

Thank you



Tony Schoonen
President
Montana Coalition for Stream Access